

The following are the Opinions to which SIR JOHN AUBREY, in his Speech, refers:—They are THE OPINIONS OF MR. HARGRAVE, a Gentleman, high in the Confidence of the LORD CHANCELLOR, and as much esteemed *for his* Integrity, as for his professional Knowledge.

MR. HARGRAVE'S OPINION ON THE PRINCE'S RIGHT TO REPRESENT THE KING IN PARLIAMENT.

“ IT was, a great and fundamental error in the case now depending, not to have
“ appointed a Commissioner for representing the King and for holding the Parliament,
“ previously to the time appointed for meeting on the prorogation : and if such a re-
“ presentative had been previously appointed, it is to be presumed that the PRINCE
“ OF WALES WOULD OF COURSE HAVE BEEN FIXED UPON AS THE PROPER PER-
“ SON TO BE HIS FATHER'S PROXY. It was also, as it strikes me, a continuance of
“ this error, that the two Houses have acted as if the Parliament was complete.”

MR. HARGRAVE'S OPINION ON RESTRICTIONS AND LIMITATIONS.

“ AS far as I know of the subject at present, I think it most probable, that *all*, or *al-*
“ *most all*, the precedents of former times will be found to be in favour of vesting the
“ *entire* executive power in the intended Regent, without restriction or limitation as to
“ creating Peers, granting offices, or doing any other acts of executive government. I
“ say *all*, or *almost all* ; because I consider the precedents of a capable King's making
“ a *custus regni*, during his absence from the realm, as not fairly applicable. The reasons
“ also in point of propriety against restricting, especially as to creating Peers, seem to
“ me equally obvious and strong. These are,—1. The unprovoked indelicacy and dis-
“ respect in shewing any distrust of the intended Regent, nothing having been done
“ by him to claim so distinguishing his Regency from former Regencies.—2. The tend-
“ ency of restriction to weaken an executive government, necessarily more feeble than
“ the executive power acting for itself ; and the consequent effects of so rendering ca-
“ lamity more calamitous.—3. The tendency of such restriction to let in the two
“ Houses of Parliament into a participation of executive Government, and into the ex-
“ ercise of the Regal prerogative, and so confounding the fundamental discriminations,
“ in point of power and office, made by our law between the King and the two Houses
“ of Parliament.—4. The manifest inconvenience of keeping any part of the executive
“ power in a state of suspension and inactivity.”

interfere in the Discussion of a great Question, which at this Moment is under the most solemn Consideration of its Representatives, and the Peers of the Realm, separately, and in Conference, it is recommended to the *Impartial and Considerate*, to read with Attention the following SPEECH of SIR JOHN AUBREY, Bart. Knight of the Shire for the County of *Bucks*, and ONE OF THE LORDS COMMISSIONERS OF THE TREASURY, conjointly with MR. PITT, and who must be supposed NOT to entertain Prejudices AGAINST THAT MINISTER.

EXTRACT

From the SPEECH of SIR JOHN AUBREY, in the House of Commons, on Monday, the 22d of December, 1788.

UPON the present occasion I FIND IT IMPOSSIBLE TO DISCHARGE MY DUTY AS A MEMBER OF THIS HOUSE, WITHOUT, in some degree, DIFFERING FROM THOSE WITH WHOM I HAVE FOR SOME TIME ACTED.

I DO NOT CONCUR with them IN THINKING THE HOUSE, at this moment, COMPETENT TO EXERCISE ANY OF ITS PARLIAMENTARY FUNCTIONS, more especially its Legislative one; OR TO DO ANY THING TENDING TO SUCH AN EXERCISE. The King has not yet appeared either in his person, or by proxy; that is, by a Commissioner representing him. I take it to be of the essence of Parliament, that the Three Branches of the Legislature should be assembled, before one begins to act. But only two are now met, the first of the three being absent. Till this first Branch shall appear, I AGREE WITH the sentiments contained in a very recent publication, by ONE, WHOSE AUTHORITY, as a well-read and consummate Lawyer, is so justly and UNIVERSALLY ACKNOWLEDGED, and with whom I have the honour to be connected by friendship: THAT WITHOUT THE KING WE ARE ONLY A CONVENTION: AND, in the present case, THERE IS NO NECESSITY FOR RESORTING TO A MERE CONVENTION of the two Houses. THE KING'S PERSON MAY BE constitutionally SUPPLIED by a Commissioner; AND THAT REPRESENTATIVE, in the present extraordinary situation, MUST, in point of propriety, BE THE HEIR APPARENT TO THE CROWN. Till this chasm in Parliament shall be filled, I cannot assent to joining in any Vote, or any other business of the House, beyond voting for a previous Question, or some other Question tending to prevent our further acting as a House. When this chasm shall be properly filled up; when the Parliament shall be full by a Representation of the King, I shall cheerfully and heartily concur in the seeming general sentiments of making the Heir Apparent sole Regent. As far also as my consideration of the subject hitherto can entitle me to speak, I CONFESS THAT I AM NOT IN THE LEAST DISPOSED TO ADOPT THOSE RESTRICTIONS, WHICH HAVE BEEN OPENED TO THE HOUSE, as probable parts of the intended Regency Bill. I dread the effects of a distracted, curtailed, and consequently enfeebled executive power. I WISH SINCERELY TO JOIN IN EVERY PROPER RESPECT TO OUR most gracious and afflicted SOVEREIGN, and in providing every security for his returning to the personal exercise of his authority, the moment his present calamity shall cease to operate. BUT I cannot think that the proposed restrictions would be approved by himself, was he restored to his former health. From his known love of his country, and from that liberal benignity of mind, which soars above the flights of Envy, I MUST PRESUME, THAT HE WOULD NOT WISH TO INCREASE THE PUBLIC DISTRESS, from his present afflicting malady, BY RENDERING THE HEIR-APPARENT TO HIS CROWN, AND HIS INTENDED REPRESENTATIVE, LESS CAPABLE OF PERFORMING THE WHOLE OF THE ROYAL FUNCTIONS, THAN HE HIMSELF WAS before the commencement of his illness. The argument for restriction proceeds upon a supposition, which might warrant future permanent restrictions upon the executive power. If the Heir-Apparent is not fit to be entrusted as a temporary Representative for his Father, it claims from us Restrictions to check the Prince, when he shall have the executive power as a Principal, and in his own Person. Had he committed any overt act, indicative of a disposition to abuse the Royal Authority, he ought to be equally restrained in both cases; but TO RESTRAIN HIM in either case, WITHOUT PROVOCATION, STRIKES ME AS UNJUST TO HIM, AND DANGEROUS TO THE STATE over which he is to preside for his Father. In truth, THE ARGUMENT for Restriction of the Prince as a Regent, SEEMS MORE TO SAVOUR OF PREJUDICE AGAINST A PARTICULAR PARTY IN THE STATE, THAN TO CONCERN THE GENERAL AND PUBLIC WELFARE.